

JAMAAL R. GRIFFIN,)
Plaintiff,)

V.

Civil Action No. 13-792

Judge Cathy Bissoon

Magistrate Judge Maureen P. Kelly

JEFFERY A. WINGARD, *Badge #16253*;)
STEVE PIACENTI; CITY OF)
PITTSBURGH; TARA SMITH,)
Magistrate Judge, Jurisdiction Lincoln)
Avenue,)
Defendants.)

On June 10, 2013, this case was referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C, 72.D and 72.G of the Local Rules for Magistrates. On March 25, 2014, the magistrate judge issued a Report and Recommendation (Doc. 45) recommending that Defendant Jeffery A. Wingard's Motion to Dismiss (Doc. 23) and Defendant City of Pittsburgh's Motion to Dismiss (Doc. 39) be granted and all of Plaintiff's claims be dismissed. Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a *de novo* review of the pleadings and documents in the case, together with the motions to dismiss, Plaintiff's response to Defendant Wingard's Motion to Dismiss¹, and the Report and Recommendation, the following Order is entered:

AND NOW, this 25th day of April, 2014,

¹ The Court notes that Plaintiff failed to submit a response to Defendant City of Pittsburgh's Motion to Dismiss.

IT IS HEREBY ORDERED that the March 25, 2014 Report and Recommendation (Doc. 45) is adopted as the opinion of the Court, with one noted exception.

Defendant Wingard's Motion to Dismiss (Doc. 23) is GRANTED with prejudice, however, the Court finds that the grant of leave to amend is not warranted in this case, as amendment would be futile. In addition, Defendant City of Pittsburgh's Motion to Dismiss (Doc. 39) is GRANTED with prejudice. Simply put, Plaintiff alleges no plausible claim that, subject to amendment, could be made viable.

Furthermore, because absolute immunity applies to the claims asserted against Magisterial District Judge Tara Smith, and because Plaintiff fails to allege any claims against any remaining party within the jurisdiction of this Court, all remaining claims are DISMISSED with prejudice.

s/ Cathy Bissoon
Cathy Bissoon
United States District Judge

cc:

All counsel of record by Notice of Electronic Filing

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